



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held January 27, 2004, the Board took the following action:

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The following item was called up for consideration:

Supervisor Molina's recommendation that the Board make a finding that Merritt Holloway's conduct of holding a very large number of agenda items is disruptive during Board meetings; and if such disruptive conduct continues, the Chairman or Board will ban Merritt Holloway from speaking at meetings for up to 90 days or instruct the Executive Officer of the Board to limit the number of items he can hold.

Supervisor Molina made the following revised statement:

"The Board of Supervisors, like any deliberative body, must keep order and decorum in its public meetings, and also permit and encourage the public to participate in the deliberations of the Board. Over the last twelve years that I have been a member of this Board, that balancing act has been very easy. The public may speak on an unlimited number of items of relevance, and they do so in an orderly manner, even when the content of their speech is highly critical of the Board.

"Over the last several months, it has become clear that a certain pattern of conduct can be disruptive to the Board and there is no easy way to stop it. Specifically, holding a very large number of items week after week disrupts the orderly completion of agenda items and makes a mockery of the process of addressing the Board. In fact, this pattern of conduct takes away from the rights of others who legitimately want to address the Board on matters of interest to them.

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“For example, over the past seven meetings, one member of the public—Merritt Holloway— has held a total of 214 items. Specifically, on January 20, he held 44 out of 62 items; on January 6, he held 48 items out of 71; on December 16, he held 47 items out of 122; on December 9, he held 24 items out of 52; on December 2, he held 12 items out of 78; on November 25, he held 11 items out of 37; on November 18, he held 10 items out of 57; and on November 12, he held 18 items out of 61.

“I understand that the public has concerns about limiting anyone’s right to speak, and I share that concern. For that reason, we have and will continue to do everything possible to preserve the public’s right to speak and to make the process meaningful. Every person should have the right to engage the Board on relevant items and the content of speech should never be curtailed or obstructed. Moreover, in reaction to the bad behavior of a few, we must avoid the temptation to create rules that would restrict the rights of the hundreds of people who speak before the Board in an orderly and productive way. Thus, as a first step, we should simply give notice to the public that this pattern of conduct—holding an excessive number of items week after week—is disorderly and disruptive for us. If the public on its own, like it has done for the past twelve years, takes it upon itself to be respectful of the process, the Board will not be forced into taking steps—none of which would be simple or perfect—in order to gain control of the meeting process.”

Merritt Holloway, Peter Baxter, Karen Ocamb, Genevieve Clavreul, Yvonne Michelle Autry, and Chris Edwards addressed the Board.

Supervisor Molina made a motion that the Board adopt a resolution finding that when someone engages in a pattern of conduct where they hold an excessive number of items week after week it interferes with the orderly course of the meeting; and requesting that the public respect the Board’s process and not engage in this pattern of conduct.

After discussion, Supervisor Burke made a suggestion that Supervisor Molina’s motion be amended to delete Merritt Holloway’s name from the body of the motion and the Resolution. Supervisor Molina accepted Supervisor Burke’s amendment.

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On motion of Supervisor Molina, seconded by Supervisor Knabe, duly carried by the following vote: Ayes: Supervisors Molina, Burke, and Knabe; Noes: Supervisors Yaroslavsky and Antonovich, the Board adopted the attached resolution finding that when someone engages in a pattern of conduct where they hold an excessive number of items week after week it interferes with the orderly course of the meeting; and requesting that the public respect the Board's process and not engage in this pattern of conduct.

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Attachment

Copies distributed:

Each Supervisor

Chief Administrative Officer

County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES

The Board of Supervisors, like any deliberative body, must keep order and decorum in its public meetings, and also permit and encourage the public to participate in the deliberations of the Board. In the past that balancing act has been very easy. The public may speak on an unlimited number of items of relevance, and they have done so in an orderly manner, even when the content of their speech is highly critical of the Board.

Over the last several months, it has become clear that a certain pattern of conduct can be disruptive to the Board and there is no easy way to stop it. Specifically, holding a very large number of items week after week disrupts the orderly completion of agenda items and makes a mockery of the process of addressing the Board. In fact, this pattern of conduct takes away from the rights of others who legitimately want to address the Board on matters of interest to them.

The Board understands that the public has concerns about limiting anyone's right to speak, and the Board shares that concern. For that reason, the Board has done and will continue to do everything possible to preserve the public's right to speak and to make the process meaningful. Every person should have the right to engage the Board on relevant items and the content of speech should never be curtailed or obstructed. Moreover, in reaction to the bad behavior of a few, the Board must avoid the temptation to create rules that would restrict the rights of the hundreds of people who speak before the Board in an orderly and productive way. Thus, as a first step, the Board should simply give notice to the public that this pattern of conduct—holding an excessive number of items week after week—is disorderly and disruptive. If the public on its own, like it has done in the past, takes it upon itself to be respectful of the process, the Board will not be forced into taking steps—none of which would be simple or perfect—in order to gain control of the meeting process.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that when someone engages in a pattern of conduct where they hold an excessive number of items week after week it interferes with the orderly course of the meeting; and

BE IT FURTHER RESOLVED that the Board of Supervisors requests that the public respect its process and not engage in this pattern of conduct.

The foregoing resolution was on the 27th day of January, 2004, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which so Board acts.

VIOLET VARONA-LUKENS
Executive Officer-Clerk of the Board
of Supervisors of the County of Los Angeles

By


Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By


JOHN F. KRATTLI
Senior Assistant County Counsel

